IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.24450 of 1999

Between:

Smt.D.Gangulamma, W/o.Gongulappa, 35 years, Coolie, R/o.Kondarupalli, Maddaigaripalli Hamlet, Peddatippasamudram Post and Mandal, Chittoor District.

...PETITIONER

AND

1. The Chief Commissioner of Land Administration, Hyderabad, A.P.
2. The Joint Collector, Chittoor.
3. The Mandal Revenue Officer, Peddatippasamudram, Chittoor District.
4. The Superintendent of Police, Chittoor.
5. The Station House Officer, Peddatippasamudram, Chittoor District.
6. B.Venkataramana Reddy @ B.Venkataramana, Kattagallu Village, Vuyyalavaripalli, Chittoor District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Certiorari by calling for the records relating to order of 1st respondent issued vide his reference No.BCW2/1009/98, dated 15.07.1998 as illegal, arbitrary and violative of principles of natural Justice and quash the same.

Counsel for the Petitioner: MR.A.HANUMANTHA REDDY

Counsel for the Respondent Nos.1 to 5: GP FOR ASSIGNMENT

Counsel for the Respondent No.6: MR.D.KODANDARAMI REDDY

The Court made the following:

ORDER:

The dispute relates to land an extent of Acs.5.12 in Survey No.891/2 Vuyyalavaripalli, H/o.Kattagallu of Peddatippasamudram Mandal, Chittoor District. Initially, the land was assigned in the year 1977 to one Gandugula Gurrappa. After his death, it appears that the widow and the brothers of Gurrappa sold the property to the sixth respondent herein. The petitioner herein made a representation to the District Collector to resume the land from the sixth respondent and restore the same to her. Be it noted that the petitioner herein claims to be the legal heir of original assignee. The Joint Collector by order, dated 01.08.1998 ordered for resumption of the land. An extent of Ac.1.00 in Survey No.891/1 was ordered to be restored to one Chowdappa, who was a landless poor person and who appears to have obtained lease from the sixth respondent. The Joint Collector also ordered that the remaining land be restored to the petitioner as a legal heir of original assignee.

Aggrieved by the orders of the Joint Collector, the sixth respondent preferred a revision before the first respondent. By impugned order dated 15.07.1999, the first respondent while upholding the orders of the Joint collector ordering resumption of the land to the sixth respondent, remanded the matter for *de novo* enquiry regarding restoration of the land to the petitioner.

In this Writ Petition filed assailing the orders of the first respondent, it is contended that in the absence of the dispute as to the relationship of the petitioner with late Gurrappa, there could not have been any further enquiry as ordered by the first respondent. This submission is misconceived.

The first respondent in his impugned order observed as under.

The land was originally assigned to Sri Gandugula Gurrappa on 23.04.1977. After the demise of the original assignee, the land was sold by the widow of the original assignee and his other brothers to the brother of the appellant. After partition among the appellants family this particular land came to the share of the appellant. As the sale transaction took place after the Act 9/77 came into force it is invalid. The resumption orders of the Joint Collector are correct and hereby upheld. However the JCs order directing that the land be reassigned to Gangulamma, the legal heir of the original assignee requires careful reexamination as the MRO's report indicates that she owns certain other lands. The case is remanded to the Joint Collector for *de novo* enquiry to verify the ownership details of other lands owned by her and examine her eligibility to take further action as per rules.

When the Commissioner, the revisional authority based on the record, observes that *de novo* enquiry is required to adjudicate the claim of the petitioner for restoration of the land as being the legal heir of the original assignee, it would be futile for the petitioner to contend that such enquiry, which is not warranted. Indeed, as observed by the Mandal Revenue Officer, the petitioner allegedly owns some other lands in Maddaigaripalli Village. This can only be verified after due enquiry as ordered by the first respondent. This Court does not see any infirmity in the order passed by the first respondent in remanding the matter to the Joint Collector and other officials.

The Writ Petition is devoid of merits and is accordingly dismissed.

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(V.V.S.RAO, J)

26th July 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copies to:

1. The Chief Commissioner of Land Administration, Hyderabad, A.P.
2. The Joint Collector, Chittoor.
3. The Mandal Revenue Officer, Peddatippasamudram, Chittoor District.
4. The Superintendent of Police, Chittoor.
5. The Station House Officer, Peddatippasamudram, Chittoor District.
6. Two CCs to G.P for Assignment, High Court of A.P., Hyderabad (OUT).
7. Two CD copies.